

IN THE CIRCUIT COURT FOR UNION COUNTY, TENNESSEE

Pamela Collins,

Plaintiff,

v.

Progressive Direct Insurance Company,

Defendant.

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2846
No. ~~2486~~

SUMMONS

TO THE ABOVE NAMED DEFENDANT, PROGRESSIVE DIRECT
INSURANCE COMPANY:

You are hereby summoned and required to serve upon Dirk A. Daniel, Plaintiff's Attorney, whose address is P. O. Box 6, Rutledge, Tennessee 37861, an answer to the Complaint and Interrogatories herewith served upon you within thirty (30) days after service of this summons, Complaint, and Interrogatories upon you, exclusive of the day of service. If you fail to do so, judgment by default can be taken against you for the relief demanded in the Complaint.

Issued and tested this 13 day of Sept, 2010.

Barbara J. McLean
CLERK

DEPUTY CLERK

Barbara J. McLean

EXHIBIT

NOTICE**TO THE DEFENDANT:**

Tennessee law provides a four thousand (\$4,000.00) dollar personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

SERVICE INFORMATION**TO THE PROCESS SERVER:**

Defendant, Progressive Direct Insurance Company, can be served through its Registered Agent, CT Corporation, at:

800 S. Gay Street, Suite 2120
Knoxville, Tennessee 37929

I have received this summons on the 13 day of Sept, 2010.

I hereby certify and return that on the 4 day of October, 2010,
and Intervenor's

I: (☒) served this summons and a complaint on the Defendant, Progressive Direct Insurance Company, in the following manner:

By hand delivery at CT Corporation

() failed to serve this summons within 30 days after its issuance because:

Jim A. Duff
PROCESS SERVER

IN THE CIRCUIT COURT FOR UNION COUNTY, TENNESSEE

Pamela Collins,

Plaintiff,

v.

The Progressive Corporation,

Defendant.

No. 2846

FILED

JUL 30 2010
CIRCUIT COURT
CLERK

COMPLAINT

Comes the Plaintiff, by and through counsel, and would respectfully show to the Court the following:

1. The Plaintiff, Pamela Collins, is a citizen and resident of Union County, Tennessee, residing at 241 Red Gate Crossing Lane, Maynardville, Tennessee 37807.
2. At all times material herein, the Defendant, The Progressive Corporation, was a foreign corporation from the State of Ohio, with its home office located at 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. This foreign corporation at all times herein material was doing business in Tennessee. The registered authorized agent for service of process is the Commissioner of Insurance, 500 James Robertson Parkway, Volunteer Plaza, 5th Floor, Nashville, Tennessee 37243.
3. At all times material herein, the Plaintiff had in effect an insurance policy with the Defendant, specifically insuring a 1998 Dodge Durango.

DANIEL & DANIEL
ATTORNEYS
P.O. BOX 8
JITLEDGE, TENNESSEE
37861

4. At all times material herein, the Defendant issued an insurance policy with a citizen and resident of Union County, Tennessee, concerning vehicles registered in Union County, Tennessee, and the Defendant knew the vehicles would be placed in commerce on the highways of Union County, Tennessee; and thus had contacts and was doing business in Union County, Tennessee.

5. On or about the 24th day of November 2008, Plaintiff's insured vehicle was involved in an automobile accident and sustained damages.

6. The Plaintiff has given notice of the incident in question and refuses to pay coverage under the referenced policy.

7. The Plaintiff has made claim and demanded payment under such policy, and is entitled compensation and relief.

8. The Plaintiff has performed all obligations under the terms of the contract, and the Defendant willfully fails and refuses to pay for such damages.

8. Because of Defendant's willful refusal to comply with the terms of the contract, the Plaintiff has suffered damages.

9. Plaintiff further avers that the employment and use of the unfair and deceptive acts and practices described herein above were willful and knowing on the part of the Defendant such that the Court should award treble damages as called for in Tenn. Code Ann. § 47-18-109 (a) (3).

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WILLIAMS, TENNESSEE
37661

10. The Plaintiff reserves the right to amend the Complaint to conform to the evidence as hereinafter discovered.

WHEREFORE, Plaintiff, Pamela Collins, demands judgment against the Defendant for damages in the sum of not less than \$150,000.00, prejudgment interest, costs, attorney fees, and other incidental and consequential damages. The Plaintiff further prays for an award of treble damages pursuant to statute. The Plaintiff further requests a jury to try this cause of action.

Respectfully submitted this the 26 day of July, 2010.
PAMELA COLLINS

By: Dirk A. Daniel
Dirk A. Daniel, BPR#1020710
Attorney for the Plaintiff
P. O. Box 6
Rutledge, Tennessee 37861
(865) 828-3111

COST BOND

We the undersigned secure the cost of this cause.

Pamela Collins
PRINCIPAL

Dirk A. Daniel
SURETY

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IN THE CIRCUIT COURT FOR UNION COUNTY, TENNESSEE

Pamela Collins,

Plaintiff,

v.

Progressive Direct Insurance Company,

Defendant.

No. ²⁸⁴⁶~~2486~~

AMENDED COMPLAINT

Comes Plaintiff, by and through counsel, pursuant to T.R.C.P. 15.01 and before any responsive pleadings have been filed to the complaint, and amends her complaint as follows:

1. By deleting paragraph 2 of the Complaint and substituting in lieu thereof the following: "At all times material herein, the Defendant, Progressive Direct Insurance Company, was a foreign corporation from the State of Ohio. This foreign corporation at all times herein material was doing business in Tennessee. The registered authorized agent for service of process is CT Corporation, 800 S. Gay Street, Suite 2021, Knoxville, Tennessee 37929."

2. By adding additional paragraph number 11 as follows: "At all times material herein, the actions asserted in the original Complaint are attributable to Progressive Direct Insurance Company."

3. The allegations contained in the original Complaint are incorporated herein verbatim.

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CLERK

4. The Plaintiff reserves the right to amend the Complaint and Amended Complaint to conform to the evidence as developed hereafter.

Respectfully submitted this the 9 day of September, 2010.

Pamela Collins

By:


Dirk A. Daniel/BPR# 70710
Attorney for Plaintiff
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